

Remarks

Claims 1-34 are pending. Claims 1-34 stand rejected by the Examiner. Claims 9, 19, and 31 are amended. No new subject matter is added. Claims 1-34 are now pending in the application. Reconsideration and allowance of the pending claims is requested in light of the above amendments and the following remarks.

Claim Objections

Claims 9, 18-19, 25 and 31 are objected to for informalities.

Regarding claims 9, 19, and 34, the claims are amended in accordance with the Examiner's suggestions.

Regarding claims 18 and 25, the applicant respectfully disagrees with the Examiner's objections. Specifically, in claim 18, the Examiner suggests that "an offload portion" should be changed to "the offload portion." However, there is no antecedent basis for this change. The preamble of claim 18 states "an offload portion of a distributed exterior gateway protocol", while line 4 of the claim recites "an offload portion of a protocol." Therefore, the preamble cannot provide the proper antecedent basis for the claimed feature. The proposed change in claim 25 has a similar issue. Consequently, the applicant has not amended claims 18 and 25 in accordance with the Examiner's suggestion and submits that no amendment should be necessary.

Claim Rejections Under 35 U.S.C. 103(a)

Claims 1-17 and 30-34 stand rejected under 35 USC 103(a) as being unpatentable over Shenoy et al. (U.S. Patent Publication No. 2003/0223425) in view of Deval et al. (Distributed Control Plane Architecture for Network Elements).

Claims 18-29 are rejected under 35 USC 103(a) as being unpatentable over Deval et al. in view of Shenoy et al. The applicant traverses the rejections.

All claims in the application are rejected under some combination of Shenoy and Deval. However, Deval is not valid prior art. The filing date of the present application is November 13, 2003. The Deval reference says across the top of the front page "Published, November 14, 2003." Thus, Deval was published after the filing date of the present application. Therefore, Deval cannot qualify as prior art under any of 35 U.S.C. §§ 102(a)-(g) and thus cannot be used to

support the rejections under 35 U.S.C. § 103(a). Consequently, the applicant respectfully requests that the Examiner withdraw the 35 U.S.C. § 103(a) rejections of all claims.

Prior Art Made of Record

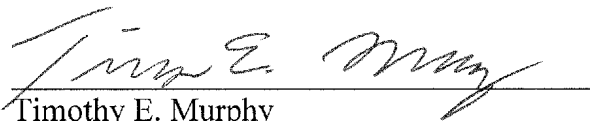
The applicants would like to thank Examiner Bokhari for identifying these potentially relevant prior art references. After reviewing the references cited, the applicants believe that the present invention is patentably distinguishable over the cited references.

No new matter has been added by this amendment. Allowance of all claims is requested. The Examiner is encouraged to telephone the undersigned at (503) 222-3613 if it appears that an interview would be helpful in advancing the case.

Customer No. 32231

Respectfully submitted,

MARGER JOHNSON & McCOLLOM, P.C.


Timothy E. Murphy
Reg. No. 59,092

210 SW Morrison St., Suite 400
Portland, OR 97204
503-222-3613